



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/658,934 Filing Date: September 9, 2003
Confirmation No.: 3104
First Named Inventor: Chia-Shun Hsiao
Assignee: ProMOS Technologies, Inc.
Examiner: Unassigned Art Unit: Unassigned
Attorney Docket No.: M-12200-1D US

San Jose, California
October 28, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION – FILING DATE GRANTED**

Dear Sir:

The Notice to File Missing Parts of Application – Filing Date Granted mailed by the United States Patent and Trademark Office on October 15, 2004 states that the oath or declaration is missing, and requires submission of an oath or declaration and payment of a late filing fee. In response, the following documents are enclosed to show that the declaration was timely filed:

1. A copy of the return receipt postcard as filed with this divisional application. The postcard indicates the application number as 10/658,934 and the filing date as 09/09/03. The postcard itemizes 2 pages of the Declaration for Patent Application and Power of Attorney as copied from the parent application.
2. A copy of the Utility Patent Application Transmittal filed with this application and showing that the Oath or Declaration (2 sheets) was being filed with the application and was a copy from a prior application in compliance with 37 CFR 1.63(d). (The postcard shows the Utility Patent Application Transmittal as 2 pages because the Utility Patent Application Transmittal and the Fee Transmittal were counted as one document. Both are enclosed.)

3. A copy of the aforementioned Declaration for Patent Application and Power of Attorney from the parent application as submitted with this divisional application (2 pages).
4. A copy of the Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted.

No fee is believed to be required. However, the Commissioner is hereby authorized to charge any fees which may be required for responding to this Notice, or credit any overpayment to Deposit Account No. 50-2257.

Please telephone the undersigned at (408) 392-9250, ext. 212, if there are any questions. This response is being submitted in duplicate.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 28, 2004.

Michael Shenker 10-28-04

Attorney for Applicant(s)

Date of Signature

Respectfully submitted,



Michael Shenker
Attorney for Applicant(s)
Reg. No. 34,250

Law Offices of
MacPherson Kwok Chen & Heid LLP
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San Jose, CA 95110
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COPY

MAIL STOP PATENT APPLICATION
DIRECTOR OF THE USPTO
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

22278 U.S. PTO
10/658934

09/09/03



Applicants: Chia-Shun Hsiao
Assignee: Mosel Vitelic, Inc.
Title: Floating Gate Memory Structures And Fabrication Methods
Atty Docket No.: M-12200-1D.US

ENCLOSED:

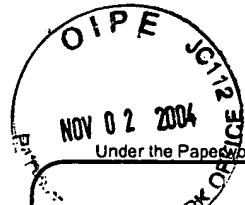
1. This Return Receipt Postcard;
2. Utility Patent Application Transmittal (2 pages in duplicate);
3. Copy of Parent Application U.S. Serial No. 10/266,378 filed on October 7, 2002, consisting of 7 pages of Specification, 2 pages of Claims, 1 page of Abstract, 8 sheets of Drawings, and 2 pages of Declaration for Patent Application and Power of Attorney;
4. Preliminary Amendment (4 pages);
5. Information Disclosure Statement under 37 CFR §1.97(b) (1 page); and
6. Form PTO-1449 citing 11 references (1 pages).

MS/jh
September 9, 2003

Express Mail Label No. EV 301 054 476 US

RECEIVED
by Docket Dept

SEP 19 2003



PTO/SB/05 (08-03)

Approved for use through 07/31/2004 OMB 0651-0032
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	M-12200-1D US
First Inventor	Chia-Shun Hsiao
Title	Floating Gate Memory ...
Express Mail Label No.	EV 301 054 476 US

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
3. <input checked="" type="checkbox"/> Specification [Total Pages 10] (preferred arrangement set forth below)	a. <input type="checkbox"/> Computer Readable Form (CRF)
- Descriptive title of the invention	b. Specification Sequence Listing on:
- Cross Reference to Related Applications	i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or
- Statement Regarding Fed sponsored R & D	ii. <input type="checkbox"/> Paper
- Reference to sequence listing, a table, or a computer program listing appendix	c. <input type="checkbox"/> Statements verifying identity of above copies
- Background of the Invention	
- Brief Summary of the Invention	
- Brief Description of the Drawings (if filed)	
- Detailed Description	
- Claim(s)	
- Abstract of the Disclosure	
4. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 8]	
5. Oath or Declaration [Total Sheets 2]	
a. <input type="checkbox"/> Newly executed (original or copy)	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of (when there is an assignee)
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	11. <input type="checkbox"/> English Translation Document (if applicable)
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Attorney
	13. <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Copies of IDS Citations
	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)
	16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
	17. <input type="checkbox"/> Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No. 10/266,378.....

Prior application information: Examiner Mai, Anh D. Art Unit: 2814
 For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number: 32605 OR Correspondence address below

Name	Michael Shenker				
Address	MacPherson Kwok Chen & Heid LLP 1762 Technology Drive, Suite 226				
City	San Jose	State	CA	Zip Code	95110
Country	U.S.A.	Telephone	408-392-9250		Fax 408-392-9262

Name (Print/Type)	Michael Shenker	Registration No. (Attorney/Agent)	34,250
Signature	<i>Michael Shenker</i>		Date 9-9-03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOV 02 2004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 750.00)

Complete if Known

Application Number	Unassigned
Filing Date	Filed Herewith
First Named Inventor	Chia-Shun Hsiao
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	M-12200-1D US

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number 50-2257
Deposit Account Name MacPherson Kwok Chen & ..

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375			Utility filing fee	750.00
1002 330	2002 165			Design filing fee	
1003 520	2003 260			Plant filing fee	
1004 750	2004 375			Reissue filing fee	
1005 160	2005 80			Provisional filing fee	
SUBTOTAL (1)		(\$ 750.00)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	5	-20** = 0	X 18	= 0.00
Independent Claims	2	- 3** = 0	X 84	= 0.00
Multiple Dependent				

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130			Non-English specification	
1812 2,520	1812 2,520			For filing a request for ex parte reexamination	
1804 920*	1804 920*			Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	
1251 110	2251 55			Extension for reply within first month	
1252 410	2252 205			Extension for reply within second month	
1253 930	2253 465			Extension for reply within third month	
1254 1,450	2254 725			Extension for reply within fourth month	
1255 1,970	2255 985			Extension for reply within fifth month	
1401 320	2401 160			Notice of Appeal	
1402 320	2402 160			Filing a brief in support of an appeal	
1403 280	2403 140			Request for oral hearing	
1451 1,510	1451 1,510			Petition to institute a public use proceeding	
1452 110	2452 55			Petition to revive - unavoidable	
1453 1,300	2453 650			Petition to revive - unintentional	
1501 1,300	2501 650			Utility issue fee (or reissue)	
1502 470	2502 235			Design issue fee	
1503 630	2503 315			Plant issue fee	
1460 130	1460 130			Petitions to the Commissioner	
1807 50	1807 50			Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180			Submission of Information Disclosure Stmt	
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	
1809 750	2809 375			Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375			For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375			Request for Continued Examination (RCE)	
1802 900	1802 900			Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$ 0.00)			

SUBMITTED BY (Complete if applicable)

Name (Print/Type)	Michael Shenker	Registration No. (Attorney/Agent)	34,250	Telephone	408-392-9250
Signature	<i>Michael Shenker</i>			Date	9-9-03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Alexandria, Virginia 22313-1450
www.uspto.gov

IFN

APPLICATION NUMBER	FILED OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/658,934	09/09/2003	Chia-Shun Hsiao	M-12200-1D US

MacPherson Kwok Chen & Heid LLP
Suite 226
1762 Technology Drive
San Jose, CA 95110

CONFIRMATION NO. 3104
FORMALITIES LETTER



OC000000014098852

Date Mailed: 10/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M - MAINE

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE